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October 11, 2000

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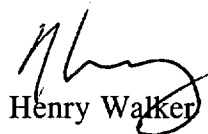
In Re: *Generic Docket to Establish UNE Prices for Lines Sharing per FCC 99-355, and  
Riser Cable and Terminating Wire as Ordered in TRA Docket 98-00123.*  
Docket No. 00-00544

Dear David:

Please find enclosed the original and thirteen copies of the response of Covad Communications Company, BlueStar Networks, Inc., Broadslate Networks of Tennessee, Inc. and Vectris Telecom, Inc. to the Tennessee Regulatory Authority's data request in the above-captioned proceeding.

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

  
Henry Walker

HW/nl  
Attachment  
c: Parties

POSTED  
10-13-00

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

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EXECUTIVE SECRETARY

**In re:** )  
**Generic Docket To Establish UNE Prices** )  
**for Line Sharing Per FCC 99-355, and** ) **Docket No. 00-00544**  
**Riser Cable and Terminating Wire as** )  
**Ordered in Authority Docket 98-00123** )

**RESPONSE OF COVAD COMMUNICATIONS COMPANY, BLUESTAR NETWORKS,  
INC., BROADSLATE NETWORKS OF TENNESSEE, INC., AND  
VECTRIS TELECOM, INC. TO THE AUTHORITY'S DATA REQUEST**

BlueStar Networks, Inc. ("BlueStar"), DIECA Communications, Inc. d/b/a Covad Communications Company ("Covad"), Broadslate Networks of Tennessee, Inc. ("Broadslate") and Vectris Telecom, Inc. ("Vectris") (collectively, the "Data Coalition") file this response to two Data Requests issued by the Tennessee Regulatory Authority ("Authority").

**I. DATA REQUEST NUMBER ONE**

On September 29, the Authority asked the parties to respond to the following data request:

For each BellSouth cost element listed in Attachment 1, please describe in detail why the cost element is similar to a cost element considered in Authority Docket Number 97-01262, *In re: Petition of BellSouth Telecommunications Inc. To Convene A Contested Case To Establish "Permanent Prices" for Interconnection and Unbundled Network Elements*.

The Data Coalition submits its response below. However, as a threshold matter the Data Coalition believes that it is BellSouth's burden to prove that these elements belong in this proceeding. The Tennessee Regulatory Authority's order expanding this docket explicitly limited the expansion of the docket to 1) DSL issues raised by the Data Coalition in its motion to expand the line sharing and network terminating wire docket, and 2) issues which flowed directly from the UNE Remand order. The only issues the Data Coalition sought to include, other than line

sharing and network terminating wire, were the pricing of UCL loops, access to loop make-up, and loop conditioning. At the August 3, 2000 status conference, BellSouth proposed to expand this docket to *UNE Remand Order* issues.<sup>1</sup> It follows that BellSouth bears the burden of proving to the Authority why an element is A *UNE Remand Order* issue and thus belongs in this case. Thus, it is incumbent upon BellSouth to prove that the remaining multitude of “new” elements are properly included in this docket. Furthermore, BellSouth is the only party with knowledge of what comprises these “new” elements for which it seeks costs.<sup>2</sup> Nonetheless, the Data Coalition will use its best efforts to explain why it believes BellSouth’s proposed “new” elements exceed the parameters of this docket.

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<sup>1</sup> *Id.* at

<sup>2</sup> See T.C.A. § 65-5-203(a). See also § 65-2-109 (5).

BellSouth Cost Element	Description	Cost Reviewed in Docket 97-01262 <sup>3</sup>
A.2.44 A.2.45	NID-2 Line NID-6 Line	Yes. In BellSouth's August 18, 2000 filing of proposed interim rates (hereafter "BST's August 18 Filing"), it proposed a rate for a "new" element called Network Interface Device (2 line) and (6 line), items A.2.44 and A.2.45 respectively. It appears that item A.2.44 in BST's August 18 Filing is the same element that was already priced in the <i>Permanent Prices Proceeding</i> . A.2.45 appears to be simply a 6-wire version of what was priced in the Permanent Pricing Proceeding.
A.3.12-22	Loop Channelization and CO Interface	In the <i>Permanent Prices Proceeding</i> , BS proposed rates for loop channelization –DLC system-DLC and CO channel interface. The elements BS proposes to add to docket #00-544, while not directly considered in the <i>Permanent Prices Proceeding</i> appear to be merely subsets of the elements BS proposed in the <i>Permanent Prices Proceeding</i> . Elements A.3.12-15, for example are loop concentration elements reflecting different generations of DLC systems. <sup>4</sup> They are not new elements that warrant consideration in this docket.
A.5.6	2 wire ISDN Digital Grade Loop Universal Digital Channel	This loop is used for the provisioning of ISDN DSL known as "IDSL". The Data Coalition agrees that this loop should be priced in the this docket.
A.6	2 wire ADSL compatible loop with Loop Make Up	Because the Data Coalition understood the TRA to limit this docket to elements for which prices had not already been established, the Data Coalition initially resisted inclusion of the ADSL and HDSL loop, believing prices to be at issue in the Permanent Prices Proceeding (elements A.6 and A.7). BST's August 18, 2000 Filing shows that BST has recognized that it

<sup>3</sup> Since several members of the Data Coalition were not participants in the Authority's ongoing Cost Docket No. 97-01262, the Data Coalition has referred to BellSouth filing from June 9, 2000, which purports to include a list of cost elements and modifications to those cost elements required by the Authority in that docket. The Data Coalition references a copy of this filing found on the Authority's website.

<sup>4</sup> For instance, the TR303 is a Bellcore standard for DLC systems commonly known as ("NGDLC") because it can directly connect to the digital switch without engaging in unnecessary digital to analog to digital conversions.

BellSouth Cost Element	Description	Cost Reviewed in Docket 97-01262 <sup>3</sup>
		must remove from these loops the massive time elements for loop make up inquiries, since CLECs will soon be able to conduct loop make-up inquiries themselves. The Data Coalition would welcome the opportunity to argue for better rates for these elements since its members were not certificated in Tennessee at the outset of the <i>Permanent Prices Proceeding</i> and thus did not have an opportunity to fully participate in that proceeding. Notably, the Data Coalition needs only a single xDSL capable loop to provide its services. BST's menagerie of loop types only complicates an otherwise simple process of provisioning a basic loop.
A.6	2 wire ADSL compatible loop <u>without</u> Loop Make Up	See response to A.6 above.
A.7	2 wire HDSL compatible loop with loop makeup	See response to A.6 above.
A.7	2 wire HDSL compatible loop without loop makeup	See response to A.6 above.
A.8	4 wire HDSL compatible loop with loop makeup	See response to A.6 above.
A.8	4 wire HDSL compatible loop without loop makeup	See response to A.6 above.
A.9	4 wire DS1 Digital loop	In the <i>Permanent Prices Proceeding</i> BS proposed deaveraged rates for the 4 wire DS1 Loop, in this proceeding BS proposes higher rates for DS1 loops than proposed in the <i>Permanent Prices Proceeding</i> . The Data Coalition does not object to considering this element in this proceeding provided Bell South revise its proposal in this proceeding to reflect the

BellSouth Cost Element	Description	Cost Reviewed in Docket 97-01262 <sup>3</sup>
		lower prices it proposed in the <i>Permanent Prices Proceeding</i> .
A.12	Concentration Per System per Feature	In the <i>Permanent Prices Proceeding</i> , BS proposed rates for loop concentration. The elements BS proposes to add to #00-544, while not directly considered in the <i>Permanent Prices Proceeding</i> appear to be merely subsets of the elements BS proposed in the <i>Permanent Prices Proceeding</i> . Elements A.3.12-15, for example are loop concentration elements reflecting different generations of DLC systems <sup>5</sup> They are not new elements that warrant consideration in this proceeding and neither were these elements required by the UNE Remand Order.
A.16.3,6,9,12, 14,17.	High Capacity Unbundled Local Loop--Manual Service Order Charges	Because certain types of high capacity loops were included as UNEs in the UNE Remand Order and because we lack sufficient information to differentiate between the elements proposed in BST's August 18, 2000 filing and the Permanent Prices Proceeding, the Data Coalition will agree to include pricing of these elements in this docket.
Interoffice Transport		
D.5,7,8,10,11, 13,14,16,17,1 9,21,23	Local Channel Dedicated	See response to A.16 above.
D.5.9,12,15,1 8,20,22.	Manual Service Order Charges	See response to A.16 above.
D.6.1, 2	Interoffice transport-dedicated DS-3 Per Mile Facility termination	See response to A.16 above.

<sup>5</sup> *Id.*

BellSouth Cost Element	Description	Cost Reviewed in Docket 97-01262 <sup>3</sup>
D.6.3	Manual Service Order Charges	See response to A.16 above.
D.7.1, 2	Interoffice transport-dedicated OC-3 Per Mile Facility termination	See response to A.16 above.
D.7.3	Manual Service Order Charges	See response to A.16 above.
D.8.1, 2	Interoffice transport-dedicated OC-12 Per Mile Facility termination	See response to A.16 above.
D.8.3	Manual Service Order Charges	See response to A.16 above.
D.9.1, 2, 4	Interoffice transport-dedicated OC-48 Per Mile Facility termination	See response to A.16 above.
D.9.3	Manual Service Order Charges	See response to A.16 above.
D.10.1, 2	Interoffice transport-dedicated STS-1 Per Mile Facility termination	See response to A.16 above.
D.10.3	Manual Service Order Charges	. See response to A.16 above.
D.12.1, 2	Interoffice transport-dedicated 4-Wire Voice Grade Per Mile	

BellSouth Cost Element	Description	Cost Reviewed in Docket 97-01262 <sup>3</sup>
	Facility termination	
D.12.3	Manual Service Order Charges	See response to A.16 above.
E.3.7,8,9,10	CCS7 Signaling	Related elements are priced BS <i>Permanent Prices Proceeding</i> cost study. Moreover, BST's August 18 filing admits that the element is the same as the elements for which it filed rates in the <i>Permanent Prices Proceeding</i> . <sup>6</sup> The Data Coalition has no information whatsoever to enable it to differentiate between what BellSouth proposed in its August 18, 2000 Filing and the related elements already priced in the <i>Permanent Prices Proceeding</i> .
H.3.1-6	Collocation: Assembly Point	First, collocation is not a UNE and thus should be priced in a separate docket with other collocation elements. Furthermore, this new collocation assembly point is not the result of the UNE Remand Order, but is rather a new offering BST is making available. The Data Coalition does not believe this element should be priced in this docket.

<sup>6</sup> BST's August 18 filing, row E.3.7, E.3.8 and E.3.9, under the column "Proposed Element List", BST follows each element noting "(Same as E.3.1)" for E.3.7-8 and "(Same as E.3.3)" for E.3.9.

## II. DATA REQUEST NUMBER TWO

On September 29, 2000, the TRA also asked members of the Data Coalition to explain the differences between the cost elements for network terminating wire and riser cable proposed for pricing by BellSouth and those proposed by the Data Coalition. As a preliminary matter, it is important to note that the list of cost elements proposed by the Data Coalition comes directly from an Interconnection Agreement Amendment between BellSouth and BlueStar. A copy of this amendment is attached to the BlueStar/ Covad filing in this proceeding dated June 30, 2000. Thus, the elements proposed by the Coalition are the elements BellSouth is contractually obligated to provide to BlueStar in Kentucky.

The critical issue to the Data Coalition is how we can gain access to these network elements and the cost of the elements themselves, rather than how the elements are defined. The two lists actually have many similarities and the Data Coalition is not opposed to using the BellSouth cost element list, provided those are all the cost elements BellSouth seeks to impose regarding network terminating wire and riser cable. Again, the party seeking to impose these costs, BellSouth, is really the only party with complete knowledge of what activities comprise each cost element. Nonetheless, the Data Coalition will attempt to explain, as best it can, the differences and similarities between the elements.

<b>Data Coalition Proposal</b>	<b>Comparable BellSouth Element</b>	<b>Explanation</b>
Unbundled Terminating Wire (NTW), recurring	A.2.14 Sub-Loop Intrabuilding Network Cable Per 2-Wire AVGL  A.2.15 Sub-Loop Intrabuilding Network Cable Per 4-Wire AVGL	This element is the actual cable.
Network Terminating	A.2.20 Sub-Loop -- Per	This is the cost element for setting up

Wire Site Visit -- Setup, per Terminal	Building Equipment Room -- Per 25 Pair Panel Setup	the 25 pair access terminal.
NTW Access Terminal Provisioning Including First 25 Pair Panel, Per Terminal		This is the cost element for pre-wiring 25 pairs to the access terminal for the first access terminal at a location.
NTW Access Terminal Provisioning Including Second 25 Pair Panel, Per Terminal		This is the cost element for pre-wiring 25 pairs to the access terminal for the second access terminal at a location.
NTW Pair Provisioning, Per Pair	Unbundled Network Terminating Wire Per Pair	This is the cost for wiring a single pair. Apparently, BellSouth is withdrawing its offer to allow CLECs the option of either ordering a pre-wired 25 pair access panel or ordering a single pair on that access terminal.
	Sub-Loop -- Per Building Equipment Room -- CLEC Feeder Facility Setup	It is not clear what this cost element includes.
NTW Service Visit, Per Request, Per MDU/MTU Complex		This element may be unnecessary. It apparently includes the cost of performing repairs or other service visits to the multi dwelling unit/ multi tenant unit complex.

Respectfully submitted,

**THE DATA COALITION**



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## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via U.S. Mail, postage prepaid, to the following on this the 11<sup>th</sup> day of October, 2000.

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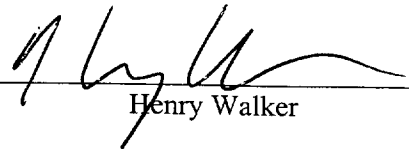
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